

### **REMARKS**

Claim 1 of the present application requires, among other things, the first stack of test members to be contained in a magazine which is initially sealed by a moisture impermeable seal. Claim 1 also requires movement of the magazine relative to the housing to cause the blade to cut the seal of the magazine.

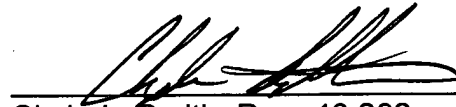
Neither Brenneman nor Freidlander discloses, teaches, or suggests a test device comprising a magazine that contains a plurality of test members which is configured such that movement of the magazine relative to the housing of the test device causes a blade to cut a seal that initially seals the magazine. The test device taught in Freidlander lacks a magazine that is moveable relative to a housing. The test device taught in Brenneman comprises a disk containing a plurality of individually sealed test members. The disk is adapted to rotate within a housing. However, movement of the disk within the housing repositions the test members but does not cause any blade to cut any seal. The cutting of the individual seals occurs only when the disk is at rest relative to the housing. Bottwein and Jessop each fail to disclose any magazine containing a plurality of test members that is sealed by a moisture impermeable seal. Thus Bottwein and Jessop fail to suggest any cutting of a seal cause by movement of a magazine relative to a housing.

Because the cited prior art does not collectively disclose or teach a test device wherein movement of a sealed magazine relative to a housing causes a blade to cut the seal, the prior art can not render claim 1 obvious. For this reason and others, the rejection of claim 1 is improper and should be withdrawn. Additionally, because claims 2-6, 9-16, 18, and 19 are dependent upon claim 1, it follows then that the rejections of such claims are also improper and should be withdrawn.

**Conclusion**

In view of the foregoing, Applicant requests reconsideration of the rejections of the claims and the withdrawal thereof.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Clyde L. Smith', is written over a horizontal line.

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